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**CGA Energy and Technology Committee  
Public Hearing – March 8, 2022**

**SUPPORT FOR**

**Raised Bill SB 278 – An Act Requiring Multichannel Video Programming  
Distributors to Pay a Community Access Programming Fee.**

**Submitted by Pua Ford, Media Issues Specialist  
League of Women Voters of Connecticut**

The League of Women Voters of Connecticut appreciates the opportunity today to offer support for the above-named bill, based on the position adopted by our membership in May 2008 and updated at the 2019 League Convention:

*The League of Women Voters believes that community access media — for public, educational, and governmental programming — must be adequately protected, promoted, and funded, regardless of the provider of TV/video services or the platform on which it is delivered to Connecticut residents.*

The League has supported previous versions of this bill for years. Local community access media is still one of the best tools for our local Leagues to educate the public on issues we track, and is still one of the best means to get our local election debates and forums to the voters.

Our reasons to support this legislation are the same as in 2020 when we testified on SB 176<sup>1</sup>:

1. The nonprofit Community Access Providers (CAPs) no longer receive **adequate funding** from the per subscriber fees as currently defined.
2. The proposed revision of CGS Section 16-331a is fair and logical because viewers who used to watch community access programs on cable and “competitive video service” now watch it over the internet.
3. If the multichannel video programming distributors (MVPDs) continue to pass on this fee to their customers, the amount is still less than a dollar per month.

Additionally, we point out the support that CAPs and the lesser access providers have given their communities since the pandemic, especially to keep local governments open to their citizens.

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<sup>1</sup> [League of Women Voters of Connecticut testimony](#) on SB 176, Feb. 2020.

Community access has been proud to continue its mission with funding leaner than in other states, even before the 2007 revision of state regulation and effective elimination of the process that would have brought proper examination of MVPD service, the downsizing of DPUC/PURA, and the successive sweeps of PEGPETIA that forced CAPs to use their dwindling operating funds for equipment replacement.

It pains us to mention that if Connecticut can pass this bill and make it part of our statutes, MVPDs might choose to challenge it in the courts. A court case might eventually help<sup>2</sup> but our CAPs need help sooner. If they received ARPA funds for burdens shouldered during the pandemic, that does not solve the ongoing problem. So, what else can help them?

1. In the annual dockets to set the community access fee, PURA chose not to address the ongoing problem of cord-cutting. CAPs and supporters have pointed out the criterion “any other factors determined to be relevant.” Please consider some explicit language in subsection (k) to direct PURA to consider the issue (*appended*).
2. In the current docket about the 2022 community access fee, PURA and other participants continually ask for information that has been collected by DPUC/PURA in the Annual Reports. The Annual Report form is out of date and needs an overhaul. PURA needs staff to rewrite that form so they can collect the data they need easily, staff to analyze that data or budget to outsource such analysis. This Committee could recommend this support for PURA to the Appropriations Committee.

The League appreciates this Committee’s willingness to hear our testimony on this issue and its concern for the problems faced by community access media in Connecticut.

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<sup>2</sup> In 2017-18, Comcast appealed a decision by Vermont’s regulatory agency with conditions that favored their Access Media Organizations (AMOs, as CAPs are called there). In a 2019 settlement of that case, Comcast is required to provide meaningful listings of community access programming in its electronic programming guide. The settlement also provides one statewide high-definition channel for collective AMOs. ([“Comcast Settles with Vermont Public Access Stations,” VTDigger.org](#), Sept. 2019)

Similarly, when NCTA/The Internet and Television Association appealed Maine legislation that supported the state’s community access stations, the federal court decided in favor of Maine. ([“Judge orders cable companies to comply with law, return public access TV to lower channels,” WGME](#), May 2020)

**Appendix:** An addition to current lines 136-174 of SB 278

(k) The authority shall establish the amount that the company or organization responsible for community access operations shall receive for such operations from subscribers and from multichannel video programming distributors. The amount shall be five dollars per subscriber per year, adjusted annually by a percentage reflecting the increase or decrease of the consumer price index for the preceding calendar year, provided the authority may increase or decrease the amount by not more than forty per cent of said amount for the subscribers and all multichannel video programming distributors within a franchise area after considering (1) the criteria set forth in subsection (c) of this section, (2) the level of public interest in community access operations in the franchise area, (3) the level of community need for educational access programming, (4) the level and breadth of participation in community access operations, (5) the adequacy of existing facilities, equipment and training programs to meet the current and future needs of the franchise area, **[and]** (6) inadequate revenue without the franchise renewal process described in subsection (f), (7) any loss in the video service subscriber base due to cord-cutting since 2008, and (8) any other factors determined to be relevant by the authority. Prior to increasing or decreasing said amount, the authority shall give notice and opportunity for a hearing to the company or multichannel video programming distributor and, where applicable, the organization responsible for community access programming. The amount shall be assessed once each year for each end user premises connected to an open video system, irrespective of the number of multichannel video programming distributors providing programming over the open video system. When the authority issues, transfers or renews a certificate of public convenience and necessity to operate a community antenna television system, the authority shall include in the franchise agreement the amount that the company or organization responsible for community access operations shall receive for such operations from subscribers. The authority shall conduct a proceeding to establish the amount that the company or organization responsible for community access operations shall receive for such operations from multichannel video programming distributors and the method of payment of said amount. The authority shall adopt regulations in accordance with chapter 54 to implement the provisions of this subsection. For any subscriber of multiple services, as described in subdivision (2) of subsection (a) of this section, the company or organization responsible for community access operations shall receive only one payment from the subscriber pursuant to this subsection.